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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**1.** **R.S.A. No. 203 of 2002**

Date of decision:24.9.2007

**Sajjan Singh** **...Appellant**

**Versus**

**Balbir Singh and others** **...Respondents**

**2.** **R.S.A. No. 205 of 2002**

**Sajjan Singh and another** **...Appellants**

**Versus**

**Balbir Singh and others** **...Respondents**

**CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL**

Present: Mr. Hemant Saini, Advocate for the appellant.

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**RAJESH BINDAL, J.**

This order will dispose of two Regular Second Appeals No.203 and 205 of 2002 as the common question of law arise in both the appeals. The facts are extracted from Regular Second Appeal No.203 of 2002.

2. The plaintiff is in second appeal before this Court against the concurrent findings of fact by both the Courts below whereby the suit for permanent and mandatory injunction filed by him against the respondents was dismissed.

3. The claim made in the suit is for restraining the respondents from raising any construction or setting up of Stone Crusher or digging any part of the land mentioned in the suit. It is concurrently found by both the Courts below that in terms of Exhibits P-16 to P-18 produced on record, joint khata between the parties already stood partitioned by metes and bounds. As a result, it was opined that both the parties were in exclusive

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possession of their share in the land. Once it is so, no occasion arises for the appellant/plaintiff to file the present suit against the respondents for restraining them from free enjoyment of the land owned and possessed by them. Even before this court no material on record has been pointed out which has either been misread or not considered by the Courts below.

4. Accordingly, I do not find any merit in the present appeals and the same are dismissed.

**September 24, 2007** **(Rajesh Bindal)**
**Pka** **Judge**